



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

SPN/MKM/KDE

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May 5, 2019

By ECF

The Honorable Pamela K. Chen
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Juan Ángel Napout, et al.
Criminal Docket No. 15-252 (S-2) (PKC) (RML)

Dear Judge Chen:

The government respectfully writes to request that the Court unseal its October 17, 2017 Memorandum and Order Granting Government's Motion for a Partially Anonymous and Semi-Sequestered Jury, filed at ECF Dkt. No. 717 ("Sealed Order"), to allow the parties to discuss the Sealed Order in their appellate briefs and in oral argument before the Court of Appeals. The Sealed Order cites as its reasons for sealing the fact that it "recounts information provided in the government's sealed submission [ECF Dkt. No. 653] and to avoid tainting the potential jury pool." Sealed Order at 1 n.1. The government respectfully submits that, although the government's sealed submission (ECF Dkt. No. 653) should remain sealed because it provides detailed information about cooperating witnesses, only some of whose cooperation has been revealed to date, the Sealed Order is sufficiently limited in the information it recounts to minimize the likelihood that it would reveal those individuals' cooperation. In addition, because there is no pending trial date for the co-defendants who may still be tried in the case, such as those whose extradition proceedings are pending, there is less cause for concern about taint to a

potential jury pool. Accordingly, the government respectfully requests that the Sealed Order be unsealed. Counsel for defendants Napout and Marin consent to this request.

Respectfully submitted,

RICHARD P. DONOGHUE
United States Attorney

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cc: Counsel of record (by ECF)
Clerk of Court (PKC) (by ECF)